

**MAINE EMS  
INVESTIGATIONS COMMITTEE MEETING  
WEDNESDAY, OCTOBER 6, 2004  
DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA  
RATIFIED BY THE MAINE EMS BOARD ON DECEMBER 1, 2004**

**MEETING MINUTES**

**Present:** Steve Leach (Chair), Carol Pillsbury, Rick Doughty, Paul Knowlton, Susan Dupler

**Staff:** Drexell White, Dawn Kinney

**AAG:** L. Yustak Smith

**1. Call To Order:** The meeting was called to order at 10:37 a.m.

**1. Additions/Deletions to the Agenda** – None.

**2. Investigations**

**A. Executive Session – Informal Conferences**

**1. Informal Conference – Case 03-19**

***Motion:** To enter executive session pursuant to 32 M.R.S.A. §90.A.3 and §92.3 for the purpose of discussing investigation case, 03-19 and 1 M.R.S.A. §405(6)(E) for receiving legal advice on case 03-19. (Leach; Dupler – motion carries)*

The committee entered executive session at 10:45 a.m. and exited at 12:47 p.m. The committee discussed the need to perform additional review of run reports and gather additional information in this case.

***Motion:** That case 03-19 be continued to allow committee members additional time to review case information and for staff to gather additional information, and that the committee meet following the October 13, 2004 Board meeting to discuss the case (Leach; Doughty – motion carries).*

**2. Informal Conference – Case 04-29**

***Motion:** To enter executive session pursuant to 32 M.R.S.A. §90.A.3 and §92.3 for the purpose of discussing investigation case, 04-29 and 1 M.R.S.A. §405(6)(E) for receiving legal advice on case 04-29 (Leach; Dupler – motion carries).*

The committee entered executive session at 2:25 p.m. and exited at 3:19 p.m.

During executive session the committee reviewed statements from the complainant and the subject of the complaint, and run reports and dispatch records regarding the call in question.

***Motion:** That, regarding case # 04-29, the Committee finds that the subject did not violate Maine EMS rules and directs that the case be dismissed (Pillsbury; Dupler – motion carries).*

### 3. Executive Session – Case Reviews

***Motion:*** To enter executive session pursuant to 32 M.R.S.A. §90.A.3 and §92.3 for the purpose of discussing investigation cases, 03-18, 04-12, 04-16, and 04-22 and 1 M.R.S.A. §405(6)(E) for receiving legal advice on the aforementioned cases (Leach; Dupler – motion carries)

The committee entered executive session at 3:30 p.m. and exited at 4:35 p.m.

Inre: case # 03-18, the committee reviewed – during executive session - the subject's application for license, the subject's September 29, 2003 State Bureau of Identification (SBI) Report, Maine court records concerning the convictions and letters of recommendation submitted by the subject.

***Motion:*** In Re: Case 03-18, the Committee finds that Licensee violated of Chapter 11 §1.1 of the Maine EMS Rules (dated July 1, 2003) – Obtaining a license or certification by fraud, by deceit, by misrepresentation, or by concealing material facts; that the violations are based upon Licensee's failure to list on his June 24, 2003 application, a February 14, 1990 conviction for Negotiating a Worthless Instrument, a June 3, 1991 conviction for Assault, Class D, a March 17, 1995 conviction for Violation of Condition of Release, Class E, and convictions on September 29, 1995 for 3 counts of Negotiating a Worthless Instrument, Class E; that an aggravating circumstance exists in that Licensee had the opportunity to disclose the convictions but failed to do so; that mitigating circumstances exist in that Licensee reported other criminal convictions and provided several letters of recommendation; that the committee proposes to settle this matter by consent agreement; that the terms of the consent agreement will include that Licensee will pay a fine in the amount of \$100.00 per violation for a total of \$400.00; and that Licensee that will submit a fee of \$105.00 to cover the cost of State Bureau of Identification checks for 3 years from the date of the execution of the consent agreement (Doughty; Dupler – 4 in favor, Pillsbury abstains – motion carries).

Inre: case # 04-12, the committee reviewed – during executive session - the subject's application for license, the subject's March 11, 2004 State Bureau of Identification (SBI) Report and Licensee's response to the Maine EMS Notice of Investigation.

***Motion:*** In Re: Case 04-12, the Committee finds that Licensee violated of Chapter 11 §1.1 of the Maine EMS Rules (dated July 1, 2003) – Obtaining a license or certification by fraud, by deceit, by misrepresentation, or by concealing material facts; that the violation is based upon Licensee's failure to list on his February 2004 application, a May 2, 2001, conviction for Theft by Unauthorized Taking or Transfer, Class E; that an aggravating circumstance exists in that Licensee had the opportunity to disclose the convictions but failed to do so; that the committee proposes to settle this matter by consent agreement; that the terms of the consent agreement will include that Licensee will pay a fine in the amount of \$100.00 per violation for a total of \$100.00; and that Licensee that will submit a fee of \$105.00 to cover the cost of State Bureau of Identification checks for 3 years from the date of the execution of the consent agreement (Doughty; Knowlton – motion carries).

Inre: case # 04-16, the committee reviewed – during executive session – copies of court records, statements and recommendations.

***Motion:*** Inre: case # 04-16 – the Committee finds that the Licensee's April 23, 2004 conviction in United States District Court for Obstruction of Proceedings before Departments, Agencies and Committees is actionable under 32 M.R.S.A. §90-A.5 and Maine EMS Rules, Chapter 11 §1.3- Violating any of the provisions of 32 M.R.S.A, Chapter 2-B, §1.4 -Any criminal conviction, subject to the limitations of Maine statute, & §1.22.A - Incompetent practice - a licensee or applicant shall be deemed incompetent in the practice if the licensee or applicant has engaged in conduct which evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client, patient, or the general public; that mitigating circumstances exist in that Licensee was forthright in self reporting the conviction and assisted the government in its criminal investigation and prosecution and that Licensee has no other history of criminal convictions; and that in consideration of the mitigating

***circumstances in this case, a Letter of Guidance be issued in lieu of disciplinary action (Dupler: Doughty – motion carries).***

In Re: Case 04-22, the committee – in executive session – reviewed Licensee's license applications, SBI report, response to notice of investigation, court records and letters of recommendation. The committee subsequently directed that an informal conference be scheduled.

### **3. Applications**

#### **1. Troy Graffam**

The committee conducted an informal review with Applicant Troy Graffam regarding his failure to disclose 1990 and 1999 convictions for Assault on his November 11, 2003 application for licensure. The committee reviewed Mr. Graffam's application, police reports and court records concerning the convictions and Mr. Graffam's response to Maine EMS regarding his failure to disclose criminal convictions.

***Motion: That the Committee finds that Applicant Troy Graffam is in violation of Maine EMS Rules Chapter 11 §1.1 of the Maine EMS Rules - Obtaining a license or certification by fraud, by deceit, by misrepresentation, or by concealing material facts; that the violation is based upon Applicant's failure to list a September 27, 1999 conviction for Assault, Class D on his November 11, 2003 license application; that the committee finds no violation associated with Applicant's failure to disclose the September 5, 1990 conviction for Assault, Class D because Applicant satisfied the committee that his failure to disclose the conviction was due to his memory loss resulting from a 1991 car accident in which he was involved; that mitigating circumstances exist in that the conviction is greater than 5 years old, the court imposed a minimal sanction and that the conviction would not have otherwise prevented Applicant from receiving a Maine EMS license; and that in consideration of the mitigating circumstances, the committee directs that the Applicant be granted a license and be issued a Letter of Guidance in lieu of disciplinary action, said Letter of Guidance to remain in Applicant's file for a period of five years (Doughty; Knowlton – motion carries 3-2-0, Dupler & Pillsbury against).***

#### **2. Scott Ring**

The Committee reviewed Scott Ring's application for licensure. Applicant failed to list a June 25, 1996 conviction for Theft By Unauthorized Taking or Transfer, Class D on his July 16, 2004 license application. Also reviewed were police reports, Applicant's Maine SBI report and Applicant's response to Maine EMS concerning his failure to list the conviction on his license application.

***Motion: That the Committee finds that Applicant Scott Ring is in violation of Maine EMS Rules Chapter 11 §1.1 of the Maine EMS Rules - Obtaining a license or certification by fraud, by deceit, by misrepresentation, or by concealing material facts; that the violation is based upon Applicant's failure to list a June 25, 1996 conviction for Theft By Unauthorized Taking or Transfer, Class D on his January 17, 2004 license application; that aggravating circumstances exist in that the committee does not find Applicant's reasons for failure to disclose to be credible; that mitigating circumstances exist in that Applicant provided letters of recommendation; that the committee proposes to settle this matter by consent agreement; that the terms of the consent agreement will include that Licensee will pay a fine in the amount of \$100.00 per violation for a total of \$100.00; and that Licensee that will submit a fee of \$105.00 to cover the cost of State Bureau of Identification checks for 3 years from the date of the execution of the consent agreement (Doughty; Pillsbury – motion carries).***

#### **4. Other – None**

#### **5. Next Meeting**

The next meeting is scheduled for Wednesday, October 13, 2004 after the Maine EMS Board meeting.

**6. Adjourn** – The meeting was adjourned at 4:40 p.m.

Respectfully submitted,

Drexell White  
Licensing Agent